



NEWS



CHAIRMAN GREEN DELIVERS OPENING STATEMENT IN IMPEACHMENT MARKUP: "THE ACTIONS AND DECISIONS OF SECRETARY MAYORKAS HAVE LEFT US WITH NO OTHER OPTION"

January 30, 2024

WASHINGTON, D.C.— Today, House Committee on Homeland Security Chairman Mark E. Green, MD (R-TN) delivered the following opening statement in a [markup](#) for [articles of impeachment](#) against Alejandro N. Mayorkas, Secretary of the Department of Homeland Security (DHS), for high crimes and misdemeanors.



Watch Chairman Green's full opening statement.

As prepared for delivery:

We are here today, not because we want to be, but because we have exhausted all other options and our duty as Members of Congress compels us to exercise our constitutional duty and defend this separate but equal branch of government.

At the beginning of this Congress, each of us took an oath to "support and defend the Constitution of the United States against all enemies foreign and domestic," and that we would "well and faithfully discharge the duties of the office...[.]"

This is the same oath I took many years ago in the Army. Several of you also took the same oath in your service to this nation.

Homeland Security Secretary Alejandro Mayorkas took a similar oath, but he has not lived up to it. He has willfully and systemically refused to comply with the laws passed by Congress and breached the trust of Congress and the American people. The results have been catastrophic and have endangered the lives and livelihoods of all Americans.

Even some Democrats are starting to get it. Prominent pundit John Judis recently wrote, "America's borders have been de facto open during the first three years of the Biden administration." Our colleague from Texas, Mr. Cuellar recently said we have a crisis at the border. Pennsylvania Senator John Fetterman said, "There is a crisis." Even Secretary Mayorkas' boss, President Biden, threw him under the bus recently, admitting that the border wasn't secure.

For nearly a year, this Committee conducted a methodical, comprehensive, and fair investigation into the causes, costs, and consequences of the border crisis, producing six separate reports, totaling around 400 pages.

Our members have seen firsthand numerous parts of the Southwest border, spent time with law enforcement officers on the frontlines, and spoke with real Americans about how this crisis is affecting them. We also conducted a field hearing and roundtable on the border that our Democrat colleagues refused to attend, burying their heads in the sand as if there wasn't a crisis.

We held many hearings at the subcommittee and full committee level, and we heard from a variety of witnesses, including former senior DHS enforcement officials, state attorneys general, and victims of Secretary Mayorkas' crisis. Democrats consistently claimed these hearings were a waste of time. Tell that to the families of the 150,000 Americans who died from fentanyl poisoning in 2021 and 2022 alone.

We have also submitted dozens of requests for information to the Department. Many of these have been stonewalled.

At every turn, our Democrat colleagues have met these oversight efforts with mockery.

They labeled a recent Committee hearing with a mother who lost her son to fentanyl poisoning as, "Republican Border 'Hearing' Number 746", and when we heard from a mother who lost her daughter to fentanyl poisoning and another mother whose daughter was brutally raped and murdered by an illegal alien MS-13 gang member, the Minority labeled the hearing a "sham" on their website. Are they actually saying these things never occurred? What a slap in the face.

During that same hearing, one Member from across the aisle even went so far as to lecture the mom who had lost her daughter to fentanyl, claiming that she was being used and didn't have the background to understand the issue before this Committee. On the contrary, that brave American mother—who lost her daughter because of our open border—is more qualified to speak on this issue than any of us here.

For almost a year, Committee Democrats have turned a blind eye to the victims of the border crisis, while berating us for spending what they believed was too much time investigating Secretary Mayorkas' handling of the border. Let me repeat that – Democrats have berated us, over, and over, for spending too much time investigating Secretary Mayorkas' border crisis. Keep that in mind when you hear them claim today this impeachment is somehow "rushed." The truth is that this process has been painstakingly thorough. We made sure of it. Our intent was to be fair, comprehensive, and meticulous. Unlike House Democrats, we take the use of impeachment extremely seriously.

This is no laughing matter.

I am proud of the work my Republican colleagues have put in through our five-phase investigation. We have uncovered a lot:

Phase 1 of our investigation documented multiple laws, court orders, and rulings that Secretary Mayorkas disregarded, ignored, or abused—and the dozens of times he has been dishonest with both Congress and the American people.

In Phase 2, we learned that Secretary Mayorkas' actions and unlawful policies have surrendered control of the Southwest border to the cartels and enriched the cartels—to the tune of \$13 billion per year, just from human smuggling. The national security implications are dire. More than 300 individuals on the terrorist watchlist have been caught crossing the Southwest border.

In phase 3, we documented the devastating human costs of the border crisis. The fentanyl epidemic, which is being fueled through the Southwest border, is tearing families apart and ravaging communities. Behind every dire statistic is a real human tragedy and a family that has been torn apart.

In phase 4, we learned of the exorbitant dollar costs of this crisis, including the increased costs to our health care system, our law enforcement—these are costs incurred by every American. As we heard from Mayor Eric Adams, the crisis could "destroy" New York City.

In phase 5, we learned that Secretary Mayorkas' actions have enabled a consistent misuse and waste of taxpayer resources.

Those investigations have led us to the impeachment process. In our first hearing, we heard from three state attorneys general who informed us, based on their expert legal opinions, that Secretary Mayorkas' conduct rises to the level of impeachable offenses. In our second hearing, we heard from two victims of this crisis about the deadly consequences of Secretary Mayorkas' open border policies.

We also heard from Democrat witnesses in the past two hearings, not in their testimony, but from previous comments during the Trump impeachment that you don't need a crime to impeach, you need a breach of trust.

If your refusal to obey the law leads to the death of your fellow citizens, you no longer deserve to keep your job, you're breaking the people's trust.

That's why the Framers gave Congress the impeachment power and why according to James Madison, the Father of the Constitution, impeachment can be used to remove those "unworthy" from office.

Secretary Mayorkas is the very type of public official the Framers feared—someone who would cast aside the laws passed by a co-equal branch of government, replacing those with his own preferences—hurting his fellow Americans in the process.

House Democrats in the 2019 impeachment of President Trump wrote that impeachable offenses were those that "inflicted grave harm on our political order." Then-Judiciary Committee Chairman Jerry Nadler noted during the Senate trial, "To the framing generation moreover, abuse of power was a well-understood offense. It took two basic forms. The first occurred when someone exercised power in ways far beyond what the law allowed or in ways that destroyed checks on their own authority. The second occurred when an official exercised power to obtain an improper personal benefit while ignoring or injuring the national interest."

Chairman Nadler continued speaking of presidents, and by extension, Executive Branch officials, "Let me unpack that idea. Starting with the first category, conduct clearly inconsistent with the law, including the law of checks and balances. The generation that rebelled against George III knew what absolute power looked like. It was no abstraction to them. They had a different idea in mind when they organized our government. Most significantly, they placed the President under the law, not above it. That means the President may exercise only the powers vested in him by the Constitution. He must also respect the legal limits on the exercise of those powers. A president who egregiously refuses to follow these restrictions by engaging in wrongful conduct may be subject to impeachment for abuse of power." That was then Democrat Chairman Jerry Nadler.

When it comes to Secretary Mayorkas, we are well beyond that point.

This is not about policy differences—at all. We certainly object to Secretary Mayorkas' policies, but this goes far deeper. According to the Democrat-led committees investigating Iran-Contra, "Government officials must observe the law, even when they disagree with it", or when they think that, "Congress is to blame for passing laws that run counter to Administration policy."

The case we are dealing with today is that simple: Secretary Mayorkas has put his political preferences above following the law. Honoring our oaths to the Constitution, respecting the Framers' intent, and following Congressional precedent, including the precedent set by House Democrats, it is therefore our obligation to hold Secretary Mayorkas accountable.

Which brings me to today's proceedings. Today is a grave day. We have not approached this day or this process lightly. Secretary Mayorkas' actions have forced our hand.

We cannot allow this border crisis to continue.

We cannot allow fentanyl to flood across our border or criminals to waltz in undeterred.

And we cannot allow a cabinet secretary with no regard for the separation of powers or the rule of law, to remain in office.

That is why today, we present this Committee with these articles of impeachment against Secretary Alejandro Nicholas Mayorkas.

I want to address some claims you'll no doubt hear from Democrats today. Claims that aren't true, and are only meant, again, to distract.

You'll hear a lot about resources and Border Patrol agents. Let me be clear, House Republicans have consistently voted to substantially increase funding for CBP above the President's requested amount. President Biden's FY24 budget requests a cut to CBP's "border security operations" funding by several hundred million dollars.

HR 2, the border security bill the House passed last year, funds an increase of roughly 3,000 Border Patrol agents, more than double what the White House wants in its supplemental spending package. Even the Washington Post fact check team gave Democrats three Pinocchios for claiming that Republicans attempted to cut funds for our Border Patrol force. The Washington Post.....three Pinocchios!

The resources didn't change from the last Administration to Secretary Mayorkas. What has changed, as one federal judge pointed out, is that this Secretary has turned enforcement of the law on its head, turning our border into a giant red carpet. That's from a federal judge, the judiciary branch, another branch that Secretary Mayorkas has disregarded.

We have identified the causes of this crisis and made legislative attempts to address them, yet our efforts deserve to go in Senator Schumer's "trash can," said one Democrat member of this Committee at our last hearing. Until Congressional Democrats put enforcing the law above protecting their political interests, this crisis will continue to rage.

Under past presidents of both parties, we didn't have border crises of this scale, and what challenges we did have were temporary and resolved utilizing the tools currently available.

We gave Secretary Mayorkas three opportunities since August, including for these proceedings, to defend his record in person. Each time, he delayed and evaded. We even offered to accept written testimony from him in connection with our last hearing—a request he took us up on at 4:48 this morning. This 11th hour response demonstrates the lack of seriousness with which Secretary Mayorkas views his responsibilities.

And, of course, I'll repeat again that part of the reason we are here is because on Nov. 13, 2023, 201 Democrats, including 13 Democrats sitting here today, voted to refer articles of impeachment to our Committee. Every Democrat on the floor that night voted to do so. You don't get to vote for something and then cry foul when it happens. No Democrat has a right to complain about the process without admitting they regret that vote.

So, today, we will mark up two articles of impeachment: Willful and Systemic Refusal to Comply with the Law; and Breach of Public Trust.

Again, we are here because our oath and duty compel us to be here. The actions and decisions of Secretary Mayorkas have left us with no other option than to proceed with articles of impeachment.

To quote Madison once again, "Perhaps the greatest danger...of abuse in the executive power lies in the improper continuance of bad men in office."

We cannot allow this man to remain in office any longer. The time for accountability is now.

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Minority Website



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